

April 10, 1939.

Mr. Howard Millet,
Dairy Commissioner,
Phoenix, Arizona.

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ARIZONA ATTORNEY GENERAL

Dear Mr. Millet:

We are in receipt of your communication of March 24.

With respect to the matters mentioned by you in the first two paragraphs of your letter we believe that they are covered by our opinion of January 26. Considering possibly that this opinion may have been lost in the course of being transmitted we are enclosing a copy of same.

You also request a further opinion as follows:

"We would also like to know if a person who is buying bulk milk from a producer, then pasteurizing it, then bottling and distributing it to the public, would they be classed as a manufacturer?"

Answering this question we call attention to certain definitions contained in paragraph 928 1936 Supplement to Arizona Code (Session Laws of 1931, Chapter 82, Section 1) which we will now quote:

"Milk products" shall imply all edible products other than raw milk or cream, but derived or produced therefrom, either whole or in part thereof, and shall include: Pasteurized milk or cream; chocolated skim, part skim or whole milk; evaporated or condensed milk or cream; dried or powdered milk or cream; butter; buttermilk, either liquid, condensed or dried; cheese or cottage cheese; frozen dairy products, and all other similar products of milk.

"Manufacturer" shall imply a milk products manufacturer.

"Milk products manufacturer" is a person engaged in the business of buying or receiving milk or milk products either directly or indirectly from the producer or manufacturer thereof for the purpose of converting such milk or milk products into other such products by a manufacturing process.

Within the meaning of these and other sections of the dairy law we believe that a person who is buying bulk milk from a producer, then pasteurizing it, then bottling it and distributing it to the public should be classed by the dairy commissioner among other things as a manufacturer.

Hoping that this letter may be of some assistance in the matter, we are

EARL ANDERSON,
Spl. Asst.

Very truly yours,
JOE CONWAY, Attorney General,
Lin Orme, Jr., Asst. Atty. Gen.

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